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Paper No. 6

In re Application of
David L. Patton *et al*
Application No. 09/669,117
Filed: September 25, 2000
Attorney Docket No. 81531PF-P

: DECISION ON PETITION

:

This is a decision on the petition filed on July 12, 2001 by which petitioners request that color drawings be accepted in this application.

The petition is dismissed.

Color drawings are acceptable only when they are necessary as the only practical medium by which the subject matter sought to be patented can be disclosed in a utility application. See 37 CFR 1.84(a)(2) and MPEP § 608.02.

The instant petition neither alleges as much, nor contains a showing which would support such a conclusion. The petition merely alleges a belief that "[C]olored drawings are required to properly illustrate on of the main features of the invention...", and that the use of colored drawings "in this instance enhances the ability to see this important feature." These allegations are clearly insufficient as a basis for approving the use of color drawings in this application, because even if supported factually, they do not establish that the use of color drawings are necessary as the only practical way in which the subject matter sought to be patented can be disclosed in this application.

The application is being returned to the examiner for action appropriate action. The examiner should note that in the event that color drawings are ultimately not admitted into the record, the statement beginning at line 6 of page 3 of the specification must be deleted from the application.

PETITION DISMISSED.



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